

REMARKS

Pending claims are 1-28, upon entry of this amendment. Claims 1 and 23 are amended as discussed in more detail below.

Rejections under 35 U.S.C. §112

Claims 1-28 are rejected under 35 U.S.C. §112, second paragraph, as indefinite. Applicants respectfully traverse these rejections as they may pertain to the amended claims.

Claims 1 and 23 are amended to define all variables found in the chemical formulas. No new matter is added; these definitions are found in the specification at page 11, lines 8-13 (silyl acrylates) and page 14, lines 11-14 (cyclic organo-siloxanes).

The term "silane" in Claims 1 and 23 is replaced with "silicon-containing compounds" to clarify that the term embraces silanes of all types, including polymeric materials that contain silicon. No new matter is added; one skilled in the art would instantly recognize from reading the application as filed that this was the intended meaning of the claims.

Regarding the appearance of VO^{3+} in Claims 1, 14 and 23, this is obviously a compound and not an element, as explained in the specification at page 18, line 15. Claims 1 and 23 are amended to clarify that M is an element or a compound.

Applicants respectfully submit that Claims 1-28 meet all requirements of the statute under §112, and respectfully request withdrawal of this basis of rejection.

Rejections under 35 U.S.C. §102

Claims 1-3, 5, 13, 16, 18 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yoldas et al., U.S. 4,753,827; Claims 1, 5, 12-14, 16 and 18-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Aben et al., U.S. 5,742,119 (under interpretation **B** outlined in the office action); and Claims 1-3, 5, 8, 12, 13, 16-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura, U.S. 6,555,236. Applicants respectfully request clarification regarding

the Nakamura reference in particular, as the portions cited to in the office action do not correspond with the text of this patent.

Applicants respectfully traverse these rejections in view of the amendments made to Claims 1 and 23 and address all §102 rejections with the following remarks.

As amended, the composition of the scratch-resistant layer is distinct from the top layer in the multilayered articles of the present invention; there is no overlap. When a component of formula II in (c)(ii) is present, it cannot be a methyltrimethoxysilane or methyltrihydroxysilane. The clause in Claims 1 and 23 which specifies the intermediate scratch-resistant layer has been amended to closed terminology, "consisting of". Accordingly, the present invention is a multilayered article with three distinct layers made from different compositions.

None of the cited references, Yoldas, Aben or Nakamura, disclose a multilayered article having a scratch-resistant layer and a top layer with distinct and different compositions, as in the present invention, and therefore they do not anticipate Claim 1. Applicants respectfully request withdrawal of all §102 rejections.

Rejection under 35 U.S.C. §103

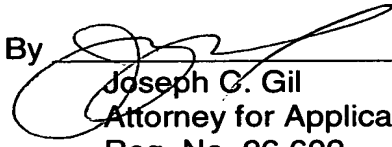
Claims 8, 10, 20 and 21 are rejected under 35 U.S.C. §103(a) as obvious and unpatentable over Yoldas, et al; Claim 10 is rejected under 35 U.S.C. §103(a) as unpatentable over Aben et al; and Claim 10 is also rejected under 35 U.S.C. §103(a) as unpatentable over Nakamura. Applicants respectfully traverse these rejections as they may pertain to the amended claims.

As noted above, the multilayered article of the present invention has three distinct layers, the compositions of which do not overlap one another. None of the cited references disclose or even remotely suggest a multilayered article having two distinct layers over a substrate, as now reflected in Claim 1. Therefore, Claims 8, 10, 20 and 21, which depend from Claim 1, are also not obvious in light of the teachings of any of the cited references.

In light of the amendments herein and the preceding remarks, Applicants respectfully submit that Claims 1-28 are in condition for allowance; such action is respectfully requested at an early date.

Respectfully submitted,

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